

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

17-218

CHRISTOPHER R. DESMOND, et al
Plaintiff,

v.

PERRY PHELPS, et al
Defendants,

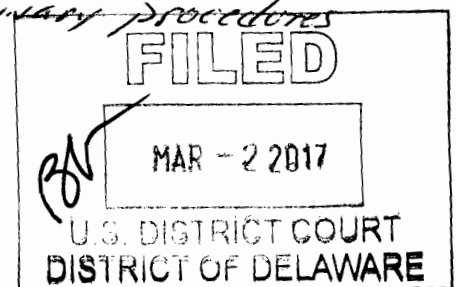
CLASS ACTION

Civ. A. No. _____ 2017

MOTION TO PLACE THE DELAWARE
DEPARTMENT OF CORRECTIONS INTO RECEIVERSHIP

Plaintiffs, et al Christopher R. Desmond, hereby respectfully moves the honorable court in the best interest of all parties and the state of Delaware public citizens to place the Delaware Department of corrections into Receivership for 90 days or until the state Governor John Carney appoints a new prison administration or independent monitor free of prior Delaware Correctional contact.

1) The defendants, Perry Phelps, warden David Pierre and acting warden Phil Parker have created a hostile environment between staff, inmates that is subject cause irreparable harm to both due to their failure to conduct independent investigations of staff complaints and abuse claims, classifications, disciplinary procedures and Grievances.



- 2) The defendants, et al Phelps, Pierce, Parker correctional officers union deliberately violated plaintiffs constitutional rights over the past 26 days Taunting inmates attempting to provoke them into a reaction in retaliation for Lt. Steven Floyd's death at the hands of inmates, so they can falsely claim their in fear of harm and staff shortages as an excuse to continue a permanent state of solitary confinement for plaintiffs, et al, causing irreparable harm to them physically and mentally.
- 3) The defendants, et al Phelps, Pierce, Parker correctional officers have no clue on how to address their own self inflicted (staffing issues) outside the proposed changes submitted within the preliminary Injunction.
- 4) The state legislature views plaintiffs, et al as terrorists St Representative melaine George Smith (see News Journal Feb. 4, 2017) Its clear by her statement she's bias and will not be funding any changes with the prison system outside giving correctional officers raises, and hiring additional unneeded officers.
- 5) The prison medical services (connections) is experiencing sufficient personnel loss due to the Feb. 1, 2017 hostage situation and has already delayed sick calls, medical appointments, treatments for inmates which was delayed for the same reasons, moreover, the mental health department is being harassed by correctional officers union members and denied access to inmates who seek counseling.

6) The Delaware state senate confirmed Commissioner Perry Phelps without any public hearing to voice their objections to his nomination in violation of The Constitution on open Government procedures, Hearings. He's serving illegally as Commissioner, and if The members of senate and citizens viewed The Feb. 1, 2017 8:00pm news conference they would agree that he has no solution for The Third largest expenditure in the State's budget on a prison system that incarcerates people at a rate 12 times the national average. The number of Delawareans on probation and parole per 100,000 people is 49 percent higher than The national average. Commissioner Phelps could not even answer a "Procedure question." And his only solution to every problem has been reactionary rather than reasoned so plaintiffs can expect Delaware will keep its Third place of most inmates in state confinement within The united states.


7) Defendants, et al Phelps, Parker Correctional union members have displayed their disregard for the court in voiding The CLASI v. Coupe Agreement without authorization from The court. (See News Journal Feb. 2, 3, 4, 23, 2017) They made clear "courts are irrelevant" to their decisional process.

8) The court must for the safety of the public, Correctional Staff and plaintiffs place control of Delaware Department of Corrections into receivership for 90 days or up until the Governor John Carney Appoints a independent Monitor.

Plaintiffs, et al seek the court turn over all inmate Grievances to the Delaware Council on Crime And Justice for oversight, All medical Grievances and oversight to The medical Society of Delaware, ensuring complacence to prior agreements.

WHEREFORE, Plaintiffs move The court enter a 90 order to place Delaware Department of correction into receivership with and independent monitor or monitors on site at ever prison within The state for enforcement of agreements and protections of staff, inmates and The public.

Date 8 Feb. 26, 2017


Christopher R. Deimark #160380
JTACC
1181 Paddeck Road
Smyrna Delaware 19977